

CR15-00707-PHX-SRB ABDULLAH IDRIS MUBARAK 2-19-16

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America, )  
)  
Plaintiff, )  
) CR15-00707-PHX-SRB  
vs. ) Phoenix, Arizona  
) February 19, 2016  
Abdul Malik Abdul Kareem, )  
)  
Defendant. )  
)  
)  
)

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE  
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL - DAY #4  
TESTIMONY: ABDULLAH IDRIS MUBARAK

**APPEARANCES:**

**For the Government:**

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Proceedings Reported by Stenographic Court Reporter  
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E X C E R P T O F P R O C E E D I N G S

THE CLERK: Please state your name for the record and spell your first and last name.

THE WITNESS: Abdullah Idris Mubarak.  
A-B-D-U-L-L-A-H. M-U-B-A-R-A-K.

THE COURT: You may proceed, Ms. Brook.

**ABDULLAH IDRIS MUBARAK, WITNESS, SWORN**

**DIRECT EXAMINATION**

BY MS. BROOK:

Q Good morning, sir.

A Good morning.

Q Can you please introduce yourself to the jury.

A Abdullah Idris Mubarak.

Q And, Mr. Mubarak, do you live here in Phoenix?

A Yes.

Q How many years have you lived here?

A I first moved here in '99. And then I left and then I came back again in 2007 with my grandson and then we left again. Then I came back again in 2010.

Q So since 2010 have you been living here in Phoenix?

A Yes.

Q And I want to take a moment.

Today can you describe a little bit about your clothing? What are you wearing?

A I'm wearing a thobe and a kefiyyeh and a kufi. Yeah.

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1 Q And are those clothes that you wear on certain days or for  
2 certain occasions?

3 A Yeah. I wear these clothes on Friday for Jumu'ah.

4 Q What's Jumu'ah?

5 A Jumu'ah is a holy day. It's a holy day. Is instead of  
6 calling it Friday, we call it Jumu'ah and that's what it is,  
7 you know.

8 Q And is that a holy day for Muslims?

9 A Yes.

10 Q And on a day that is a Jumu'ah day, do you typically go  
11 somewhere to pray?

12 A We go to the masjid, uh-huh, in Tempe, yeah.

13 Q Okay. Sir, do you know or did you know a man by the name  
14 of Elton Simpson?

15 A Elton Simpson?

16 Q Perhaps did you know him by the name of "Ibrahim"?

17 A Ibrahim, yeah.

18 Q And how was it that you came to meet Ibrahim?

19 A I met him through Abdul Malik.

20 Q Okay. Was he someone that you met once or more than once?

21 A More than once.

22 Q And about how often would you see Ibrahim?

23 A I saw him quite a few times, you know, talked to him quite  
24 a few times.

25 Q How was it that Mr. Kareem came to introduce you to

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1 Ibrahim?

2 A I think maybe when he first introduced me to him, I think  
3 they came to my masjid in Tempe and they was giving me a ride  
4 home. That's when he introduced me to Ibrahim.

5 Q And where was it that they came to in Tempe?

6 A To the masjid -- to the mosque, yeah.

7 Q To the mosque there in Tempe?

8 A Yeah.

9 Q Do you know how many years ago that was?

10 A That might have been 2012, I think, because I was living  
11 on 41st Avenue and McDowell.

12 Q And did you know a man by the name of Nadir Soofi?

13 A I met him.

14 Q How was it that you met him?

15 A I met him -- it was at a Pizza Hut -- not a Pizza Hut, but  
16 a pizza place over here on 27th Avenue just a little bit south  
17 of Northern. And I think he either worked there or he ran the  
18 place or something like that.

19 You know, so my phone went off in my pocket and a  
20 ring tone was on my phone.

21 And he said: Brother, you listen to music?

22 I said: Yeah.

23 He said: Brother, music is haram in Islam.

24 I went, like, you know, man, something wrong with  
25 you, you know. So that's how I met him.

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1 Q So your phone had a ring tone on it that was a song?

2 A Yeah.

3 Q And did that happen at the pizza place?

4 A Yeah.

5 Q Did you meet him just that one time or did you see him on  
6 other times?

7 A I seen him on a few other occasions. But we never talked  
8 because, you know, he knew that I didn't agree with, you know,  
9 his way of thinking, you know, so we never talked about  
10 anything.

11 Q You mentioned Mr. Kareem.

12 So Abdul Malik Abdul Kareem?

13 A Uh-huh.

14 Q How is it that you met him?

15 A I met him -- when I met him he wasn't Abdul Malik Abdul  
16 Kareem. He was just Abdul Malik. And I met him up on Bell  
17 Road at a Thai shop with another one of my friends. We called  
18 him Fat Boy.

19 Q When you first met him, did he just go by the name of  
20 Decarus Thomas?

21 A No. He went by Abdul Malik and it was a little while  
22 after that. But then I learned his name was Decarus Thomas.

23 Q And was that after you moved back here in 2010 that you  
24 met him?

25 A I met him about -- I think I met him about 2010, you know.

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1 Q Did Mr. Kareem ever talk to you about going shooting with  
2 Ibrahim and Nadir Soofi?

3 A He told me that he -- that he went shooting. He mentioned  
4 those guys. But he said that he had been shooting one day,  
5 yeah.

6 Q And where was it that he said he had been shooting?

7 A Up at his brother's place.

8 Q We're going to come back to this in a minute, but I want  
9 to talk to you for a second about the khalif -- the Khilafah.

10 Did Mr. Kareem talk to you about believing in the  
11 Khilafah?

12 A Well, he asked me, did I -- who was a Khilafah. Did I  
13 know of a Khalifah.

14 I'm like, you know, like Khalifahs. You know,  
15 Prophet Muhammad was the last and ain't none coming after him,  
16 you know, that's it.

17 You know, so he was kind of concerned that it was a  
18 Khalifah but, you know, he did state that if it's a Khalifah,  
19 how come none of the sheikhs are talking about it. Because  
20 it's a Khalifah. Simple as that.

21 Q Let's talk about that.

22 So you said back to him: There is no Khalifah?

23 A Right.

24 Q The last was the Prophet Muhammad?

25 A Right.

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1 Q And presently there is no Khilafah?

2 A Right.

3 Q And you mentioned him pushing back and saying: There is a  
4 Khilafah.

5 A Well, you know, I guess he must have thought that there  
6 was a Khilafah, but I clearly told him: Ain't no Khilafahs.

7 Q And when you had this conversation with him, Simpson and  
8 Soofi were still alive?

9 A I think they were alive, yeah.

10 Q And at some point did you call your son to talk to  
11 Mr. Kareem about there not being a Khilafah?

12 A Right.

13 Q And let's talk for a minute about your son. What's his  
14 name?

15 A Ahmed Mubarak.

16 Q And don't tell us exactly where, but what city does he  
17 live in?

18 A What do you mean?

19 Q What city does he live in? Does he live here?

20 A No, he don't live here. He live in Rockford, Illinois.

21 Q Okay. So he lives back in Illinois?

22 A Yeah.

23 Q And there came a day where you picked up the phone and  
24 called your son?

25 A Uh-huh.

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1 Q When you picked up the phone and called your son, was  
2 Mr. Kareem there with you?

3 A Uh-huh.

4 Q Were you at your house or somewhere else?

5 A In my house.

6 Q Okay. And why was it that you called your son?

7 A Because I wanted my son to tell him that there is no  
8 Khilafahs, you know. So I asked my son, I said, you know, I  
9 told him I said Abdul Malik is sitting here and he thinks that  
10 there is a Khilafah in Islam.

11 And so I said: Will you tell him there ain't no  
12 Khilafahs. So I had my son on the speaker phone and he told  
13 him: No, brother, there ain't no Khilafahs in Islam, you  
14 know.

15 Q Why did you think that your son in particular would be  
16 good at conveying that message to Mr. Kareem?

17 A My son is very knowledgeable in Islam. He went to school  
18 in Al-Azhar in Egypt. He studied Islamic law. And he has  
19 been to school in Syria. And he lived in Saudia Arabia. He  
20 lived in Egypt for two or three years.

21 So my son is very knowledgeable in Islam. He speaks  
22 Arabic better than the Arabs, you know.

23 Q And, obviously, when you had your son there on speaker  
24 phone, Mr. Kareem was sitting there?

25 A Yeah.

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1 Q And you mentioned that your son talked and explained there  
2 is no Khilafah?

3 A Right.

4 Q That time when you felt the need to pick up the phone and  
5 call your son and have your son try to convince Mr. Kareem  
6 that there was no Khilafah, before that time had there been  
7 other times where Mr. Kareem talked to you about believing  
8 that there was a Khilafah?

9 A Quite a few different times, you know, but, you know, I  
10 kind of let him know, you know, look, ain't no such thing.  
11 There's no Khilafah. Ain't going to be none.

12 And I said: I don't even want to talk about. You  
13 know, kind of, sway me. It's your beliefs, you know what I  
14 mean?

15 Q Why did you not want to talk about it?

16 A Because it's senseless. It's senseless. I mean, why  
17 should I talk about a Khalifah when I know there ain't no  
18 Khalifah, you know. He don't know it, but that's on him. If  
19 he want to believe that, that's on him.

20 Q Who is the Khalifah a part of?

21 A Huh?

22 Q Who is the Khalifah a part of?

23 A Ain't no Khalifahs.

24 MS. BROOK: May I have just one moment?

25 THE COURT: Yes.

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1 BY MS. BROOK:

2 Q To go back to the Khilafah for just a moment, but the  
3 people that do believe in a Khilafah, what group are they a  
4 part of?

5 MR. MAYNARD: Objection to the form of the  
6 question -- not only the form, but the relevance.

7 THE COURT: Sustained.

8 BY MS. BROOK:

9 Q I asked you when we first started talking about a time  
10 that Mr. Kareem had talked to you about going shooting up at  
11 his brother's house?

12 A Uh-huh.

13 Q Do you remember talking to investigators a few months ago  
14 and telling them about who Mr. Kareem told you he was with  
15 when he was shooting?

16 A I don't remember.

17 Q I want to take one moment. We've been talking about  
18 Mr. Kareem.

19 A Uh-huh.

20 Q Do you see him here in the courtroom?

21 A Sure.

22 Q And can you go ahead and point to him and describe  
23 something that he's wearing?

24 A He's in the blue shirt.

25 MS. BROOK: Your Honor, my the record reflect that

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1 the witness has identified the defendant?

2 THE COURT: Yes.

3 BY MS. BROOK:

4 Q And I think we talked about this, but just the last  
5 question.

6 Obviously, when the defendant, when Mr. Kareem was  
7 over at your house talking to you about the Khalifah, at that  
8 point in time Simpson and Soofi were still alive?

9 A Yeah. They was still alive.

10 MS. BROOK: I don't have any other questions.

11 THE COURT: Thank you.

12 Mr. Maynard.

13 **CROSS EXAMINATION**

14 BY MR. MAYNARD:

15 Q Good morning, Mr. Mubarak.

16 A Good morning.

17 Q We've never met before, have we?

18 A No.

19 Q In fact, I did send one of my associates to meet with you,  
20 Ms. Plomin. Do you remember her?

21 A I don't remember.

22 Q Okay. Do you remember she came to your door and asked for  
23 your son's phone number?

24 A Yeah. Yeah. Okay. Okay. Yeah.

25 Q You didn't want to talk to her at the time?

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1 A No, I didn't.

2 Q Okay. You don't want to be here either, do you?

3 A No, I don't.

4 Q Okay. In fact, the Iman of your community has advised the  
5 members of your community not to get involved in this case?

6 A Yes, he has.

7 Q This is one that many Muslims in this community just don't  
8 want to be involved in, correct?

9 A Correct. Correct.

10 Q Now, you have known Abdul Malik -- and I'm going to call  
11 him "Malik" -- for oh, four, five, six years?

12 A About five or six years, yeah.

13 Q And during that time period when Mr. Malik -- or when  
14 Malik was studying Islam and he had questions, would he come  
15 and ask you those questions?

16 A Sometimes.

17 Q Did you get the sense that he sort of looked up to you  
18 because you had more knowledge about Islam?

19 A Somewhat.

20 Q Okay. You had studied under someone from Pakistan; is  
21 that correct?

22 A My mentor was Dr. Zees (ph) and Dr. Ahmad and they also  
23 give me shahada in Illinois.

24 Q And explain to the jury what "shahada" is.

25 A Shahada is the first pillar of Islam declaring yourself a

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1 Muslim. You say:

2 (Witness speaking Arabic)

3 I bear witness there is no god but Allah.

4 (witness speaking Arabic)

5 THE COURT: He's speaking in a -- I think you can  
6 just have the record reflect that he said something in Arabic.

7 THE WITNESS: Yeah. Okay.

8 THE COURT: But then he was going to tell us what it  
9 meant.

10 And the first phrase, tell us, again, what the first  
11 phrase was.

12 THE WITNESS: First phrase is:

13 I bear witness there is no god but Allah.

14 (Witness speaking arabic)

15 And that Muhammad is the last Prophet and messenger  
16 of Allah. The last Prophet and messenger of Allah.

17 BY MR. MAYNARD:

18 Q You also used a phrase a few minutes ago when you were  
19 talking about Mr. Soofi and the music on your phone and  
20 Mr. Soofi told you it was haram.

21 A Uh-huh.

22 Q Can you explain to the jury what "haram" is?

23 A "Haram" means unlawful. It's bad. No good.

24 And "Halal" means lawful. Good.

25 Q And there are certain dietary restrictions for Muslims and

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1 there are certain things that are, like pork, that are haram?

2 A Right.

3 Q Okay. Now, you have been to Malik's house on a number of  
4 occasions?

5 A Sure.

6 Q And you have -- did you see Simpson at his house?  
7 Ibrahim?

8 A Ibrahim, yeah. Yeah.

9 Q Okay. And have you gone and eaten at Malik's home?

10 A Yeah.

11 Q And he would oftentimes give you rides places?

12 A Sure.

13 Q You guys were friends?

14 A Yeah.

15 Q Okay. Now --

16 A He let me use his car.

17 Q I'm sorry?

18 A He let me use his car, yeah.

19 Q Now, you indicated a few moments ago, you were asked some  
20 questions about when the FBI came to your house?

21 A Uh-huh.

22 Q The first time the FBI came to visit you was around May  
23 20th of 2015, correct?

24 A Okay. Okay.

25 THE COURT: Well, do you recall that it was a couple

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1 of weeks after the death of Simpson and Soofi?

2 THE WITNESS: Maybe.

3 BY MR. MAYNARD:

4 Q Okay. Let me sort of put this in context.

5 On May 1st of 2015 --

6 A Uh-huh.

7 Q I will tell you that was a Friday.

8 Do you remember going to the mosque on that day?

9 A I mean, I go to the mosque every Friday.

10 Q Okay.

11 A And so I might not remember going to the mosque on that  
12 particular day, but I'm sure that I did.

13 Q Okay. Do you recall that Mr.-- or that Malik picked you  
14 up and you two drove to the mosque together on May 1st?

15 THE COURT: What? May 1st?

16 MR. MAYNARD: May 1st, 2015.

17 THE WITNESS: I'm not good with dates, you know. My  
18 brain don't work like that. By if he picked me up on a  
19 Friday, then we probably did go to the masjid, yeah. I know  
20 it was probably some Fridays that he didn't pick me up.

21 Q And, again, for the jury, the "masjid" is the "mosque"?

22 A The "masjid" is the same as the "mosque," yeah.

23 Q And if I tell you that on May 3rd of 2015 is when Simpson  
24 and Soofi -- or Ibrahim and Mr. Soofi were killed in Garland,  
25 Texas, does that help refresh your recollection at all?

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1 A No.

2 Q Do you recall that -- the day after -- do you recall going  
3 over to Malik's house on a Saturday and eating a meal with a  
4 lot of -- with a number of other individuals?

5 A I been over there on different occasions and other  
6 brothers have been there. Yes, we had meals at his house and  
7 meals at my house and meals at different restaurants and so,  
8 you know, what are you saying?

9 Q Okay. Let me see if I can help a little bit.

10 Do you know Malik's nephew Hakeem?

11 A I know a couple of his nephews.

12 Q Do you know Hakeem?

13 A I know Hakeem, yeah.

14 Q Do you know Saleem?

15 A Saleem, I know him too.

16 Q Do you remember the day that Hakeem came back from  
17 Philadelphia?

18 A I kind of remember that day.

19 Q Do you remember that on that particular day you and Malik  
20 went to the mosque together and that Hakeem then got in the  
21 car with you and Malik with his suitcase to come home and live  
22 with Malik?

23 A Well, I don't know about all that. I don't think that I  
24 was -- that I picked him up or I was with Malik when he picked  
25 him up with the suitcase, you know what I mean. But I

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1 remember when he -- Hakeem first got here.

2 Q Okay.

3 A Or came back the second time.

4 Q And in that time period when he first got here, do you  
5 recall going over to Malik's house and having a meal and he  
6 had cooked --

7 A Yeah. Yeah.

8 Q He had cooked --

9 A Yeah he cooked a good meal.

10 Q Cooked a meal of Jamaica jerk goat?

11 A Right.

12 Q So you recall that?

13 A Uh-huh.

14 Q Do you recall who was there at that meal?

15 A Hakeem and Saleem.

16 Q Do you recall that any others came in?

17 A No, I don't. I don't recall any.

18 Q Do you know an Abdul Khabir?

19 A I know -- I know Abdul Khabir but I don't think Abdul  
20 Khabir was at that house that day.

21 Q Not while you were there?

22 A Not while I was there because I did get up and leave and  
23 caught the bus.

24 Q And went home?

25 A And went to my cousin's house, actually.

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1 Q Okay. And do you recall at some point you learned that  
2 Ibrahim and Soofi had been killed in Garland, Texas?

3 A Yeah.

4 Q And after that occurred, were there occasions when you  
5 would get rides from Malik?

6 A Probably.

7 Q Do you recall him actually taking you to a car lot one  
8 time to look at cars?

9 A Sure. Sure.

10 Q Okay. And do you recall Malik indicating to you that he  
11 felt he was being followed by the FBI?

12 A Sure.

13 Q And did he tell you that he had been interviewed by the  
14 FBI?

15 A Well, he told me that the FBI had followed him and they  
16 were following him and he pointed out where they were and what  
17 cars they were in and come to find out that turned out to be  
18 true.

19 Q At some point after you had these rides with Malik and he  
20 told you the FBI was following him, then the FBI came to your  
21 house to interview you?

22 A Uh-huh. Uh-huh.

23 THE COURT: Is that "yes"?

24 THE WITNESS: Yes.

25 THE COURT: Thank you.

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1 MR. MAYNARD: The court reporter has to take all of  
2 this down.

3 THE WITNESS: Yeah. Right. Right. Right.

4 BY MR. MAYNARD:

5 Q That upset you that the FBI came, didn't it?

6 A Yeah. It upset me that they was following him because I  
7 didn't think that he had done anything wrong, you know.

8 Q All right.

9 A You know, he had me (Arabic word)

10 COURT REPORTER: Could you repeat that?

11 THE WITNESS: I guess that would be "fooled." Yeah.

12 BY MR. MAYNARD:

13 Q In fact, at one point prior to this a couple years  
14 earlier, hadn't Malik called and asked you to come help him  
15 throw Simpson out of his house?

16 A Yeah.

17 Q And you got a couple of your friends and you went over  
18 there and helped him evict Simpson and throw him out?

19 A Yeah. Yeah. Exactly.

20 Q You thought he was hanging around with the wrong guy?

21 A No doubt.

22 Q Now, you were aware that Malik had a moving business?

23 A Yes.

24 Q And you've told us about one of your sons being in  
25 Illinois and knowing a lot about Islam?

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1 A Right.

2 Q You have another son that lives here in Phoenix or did  
3 live here in Phoenix by the name of Charles Bibb?

4 A Right.

5 Q And he worked for Malik for some time?

6 A Right.

7 Q And he actually even lived with Malik for some period of  
8 time?

9 A Right.

10 Q Okay. And Malik would oftentimes let people live with him  
11 if they didn't have a place to stay?

12 A Yeah.

13 Q And he would also provide free meals to people?

14 A Right.

15 Q That didn't have a place to eat?

16 A Right.

17 Q Pretty kind guy, wasn't he?

18 A Very kind.

19 MR. MAYNARD: Excuse me just a moment, Your Honor.

20 BY MR. MAYNARD:

21 Q Now, when Malik came to you to talk to you about the  
22 Khalifah, you told him in no uncertain terms: There isn't  
23 one.

24 A Right.

25 Q Okay. And he questioned you a little bit?

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1 A Huh?

2 Q He questioned you a little bit about that?

3 A Yeah.

4 Q And that's the reason you called your son. You wanted to  
5 tell him -- somebody who had a little more knowledge than you  
6 do?

7 A Correct.

8 Q There's no Khalifah, correct?

9 A Right. Right.

10 Q He didn't argue with your son, did he?

11 A No.

12 Q Was he respectful to him when he heard him?

13 A Very respectful.

14 Q Now, at some point in 2015 did Malik actually move in with  
15 you for a couple of weeks?

16 A Yeah, he did.

17 Q And do you recall why that was?

18 A Well, he fell on hard times and, you know, like anybody  
19 else, we have to do everything we can to help our Muslim  
20 brothers, you know.

21 So he needed a place to stay and I got it set up with  
22 my property manager and he moved in.

23 Q And that was for a couple of weeks?

24 A A couple -- that's the longest -- the longest length of  
25 time he could stay with me was a couple weeks.

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1 Q Okay. But while he was staying with you, most Muslims  
2 pray five times a day?

3 A Yeah.

4 Q Okay. And you have a particular area in your house where  
5 you do your prayers?

6 A Right. Right.

7 Q But you're more knowledgeable than he is, so you're the  
8 one who would lead the prayers?

9 A Well, I led mostly all the prayers, yeah.

10 Q Okay. Now, prior to Soofi and Simpson get getting killed,  
11 you never heard Malik speak about the Prophet drawing contest  
12 that was in Dallas, did you?

13 A No. I never did.

14 Q Did you -- had you ever even heard of that Prophet drawing  
15 contest?

16 A No. I never did.

17 Q It wasn't something that was brought out at the mosque?

18 A Not no mosque that I went to.

19 Q So it was never mentioned in the community about look  
20 what's going on in Dallas?

21 A No. Never.

22 Q First time you heard about it was after Soofi and Simpson  
23 were killed?

24 A After they got killed, yeah.

25 Q Do you know a Sergio Martinez?

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1 A Sergio. Sergio. Yeah, I know him.

2 Q And how is it that you know Mr. Martinez?

3 A He's Abdul Malik's friend.

4 Q And so you you've seen him over at his house?

5 A Yeah. I talked to his wife. His wife is a realtor.

6 Q Okay. And do you know a Mr. Verdugo?

7 A No. I don't think I know nobody by that name.

8 MR. MAYNARD: Just a second, Your Honor.

9 BY MR. MAYNARD:

10 Q Do you know a fellow by the name of Stefan who lived with  
11 Malik?

12 A A white guy?

13 Q Yes.

14 A Yeah.

15 Q And how did you know him?

16 A He messed up my car.

17 Q What did he do to your car?

18 A He tore it apart and didn't come back to fix it.

19 Q When was that?

20 A It was -- I don't know. It was when I lived over on 24th  
21 and -- 24th and a couple blocks south of Glendale. Black  
22 Canyon Highway.

23 Q On June 10th -- and, again, I know you don't remember  
24 dates, but do you remember there being an evening when Agent  
25 Whitson came to see you with another agent?

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1 A Uh-huh. Uh-huh.

2 Q You have to say "yes" or "no"?

3 A Yes. Yes.

4 Q Did he come in the evening, do you recall?

5 A I believe.

6 Q And do you recall that he told you on that day that Malik  
7 had been arrested by them?

8 A Okay. I recall.

9 Q Okay. And you invited them in?

10 A Yes.

11 Q Did he tell you that he was tape recording your entire  
12 conversation and meeting that day?

13 A Probably.

14 Q Do you recall that?

15 A Yeah.

16 MR. MAYNARD: Okay. All right. Just a second.

17 BY MR. MAYNARD:

18 Q What did you call Malik's house?

19 A I beg your pardon?

20 Q How did you refer to Malik's house?

21 A I don't remember.

22 Q Did you ever use the phrase "the refugee house" because  
23 there was so many people that came in and out of there?

24 A I don't remember.

25 Q Okay. Do you recall at some point Malik told you that

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1 Simpson had purchased an AK47?

2 A No.

3 MS. BROOK: Objection. Hearsay.

4 THE COURT: The answer "no" has already been given.

5 MR. MAYNARD: I don't have any further questions.

6 THE COURT: Thank you. Ms. Brook.

7 MS. BROOK: Thank you, Your Honor.

8 **REDIRECT EXAMINATION**

9 BY MS. BROOK:

10 Q Sir, defense counsel asked you about a time when the  
11 defendant came and lived with you at your apartment and your  
12 house?

13 A Yes.

14 Q And you mentioned that he stayed with you for just a short  
15 time a week or so?

16 A Right.

17 Q Did you kick him out?

18 A Yes.

19 Q Why?

20 A Because he called a very good friend of mine a very  
21 derogatory name.

22 Q And I know it's tough in a formal setting like this, but  
23 if you can tell us the words of what he said.

24 A He said: Is that your bitch?

25 Q And why was it or in what context was it that he said

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1 that?

2 A Well, we had went to a place to eat and then we had got  
3 into it about what to eat. And I wanted to eat chicken and I  
4 think he wanted to eat something else.

5 So we started arguing.

6 And so I said: Look, I don't got time for this. So,  
7 you know, if you want to go some place else and eat, do it. I  
8 said I don't need you. I don't need a ride from you. I don't  
9 need nothing from you.

10 And to show you that I don't need it, I called my  
11 friend. I said, Donna, will you come get me.

12 She said: Where were you at?

13 I said: I'm on 40th Street and McDowell.

14 And she says: Is there a liquor store by there?

15 I said: Yeah.

16 She said: I be there in ten minutes.

17 And she came. I got in the car with her. We left.

18 So Abdul Malik followed me back home and she had  
19 already dropped me off.

20 And he said: Who is that? Your bitch?

21 I said: Let me tell you something. This woman is  
22 responsible for me even coming out here in 1999. I lived with  
23 her. Her and my cousin. Don't you ever call any of my  
24 friends a bitch. You know. And I said, man, in fact, why  
25 don't you get your ass out of my house. How about that.

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1 And he went upstairs and packed his stuff and left.

2 Q It sounds like you were very firm with him.

3 A Yeah.

4 Q And when he talked to you about the Khalifah and believing  
5 in the Khalifah, were you firm with him about that too?

6 A I was firm with that, yeah.

7 Q Are you aware of what group -- that ISIS believes in the  
8 Khalifah?

9 A Sure.

10 MR. MAYNARD: Objection. Beyond the scope of  
11 examination.

12 THE COURT: Sustained.

13 BY MS. BROOK:

14 Q Defense counsel asked you about whether or not the last  
15 Prophet and Messenger was Allah.

16 Do you remember that?

17 THE COURT: I don't.

18 MR. MAYNARD: Objection. It's beyond the scope. I  
19 never asked that question.

20 THE COURT: He did not.

21 THE WITNESS: No.

22 BY MS. BROOK:

23 Q You mentioned when you spoke with defense counsel that you  
24 thought that the defendant was hanging out with the wrong  
25 people.

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1 A Uh-huh.

2 Q And "those people," who would that be?

3 A Ibrahim and the other guy that got killed.

4 Q Soofi? Nadir Soofi?

5 A Soofi, yeah.

6 Q Did you know what Ibrahim and Nadir Soofi believed in?

7 A Yeah. I knew they were --

8 MR. MAYNARD: Beyond -- objection. It's beyond the  
9 scope.

10 THE COURT: Sustained.

11 BY MS. BROOK:

12 Q Why did you think they were the wrong guys?

13 MR. MAYNARD: Objection. Beyond the scope.

14 THE COURT: Sustained.

15 MS. BROOK: May I have one moment?

16 THE COURT: You may.

17 In the meantime I'm going to explain to the jury this  
18 "beyond the scope" that the lawyers and I have been talking  
19 about.

20 When a witness comes on the witness stand, the person  
21 who calls the witness gets to ask them whatever questions they  
22 believe are important or relevant to the case on what we call  
23 "direct examination."

24 Then the other lawyer gets to do cross-examination  
25 and ask anything that they believe is important or relevant to

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1 the case.

2 And then the person who calls the witness gets to do  
3 what we call "redirect," which is following up on things that  
4 may have been raised for the first time on cross-examination  
5 so that they can further clarify them.

6 But they aren't allowed to raise new issues or talk  
7 about new things that weren't raised in the cross-examination.

8 MS. BROOK: Thank you, Your Honor.

9 BY MS. BROOK:

10 Q Defense counsel asked you about your discussion about the  
11 Khalifah.

12 Based upon the context of your conversation with  
13 Kareem, what did you think the Khalifah was?

14 MR. MAYNARD: Objection. Again, it's beyond the  
15 scope and it's also been asked and answered.

16 THE COURT: Well, did -- try the question a little  
17 differently.

18 Not "what did he believe" but perhaps "what did  
19 Mr. Kareem say to him."

20 I'm not sure his conclusion of what that was is what  
21 is admissible.

22 BY MS. BROOK:

23 Q What did Mr. Kareem say to you about who the Khalifah was?

24 A Well, he just -- he wanted to know if there was a  
25 Khalifah. A new Khalifah.

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1 And I told him: No. No Khalifahs.

2 Q So "a new Khalifah," what did he mean by that? "A new  
3 Khalifah"?

4 MR. MAYNARD: Objection.

5 THE COURT: No. Did he say who he thought that new  
6 Khalifah was?

7 THE WITNESS: No. He didn't mention any names to me.  
8 But, you know, I'm thinking evidently he probably --

9 THE COURT: No, not what you're thinking.

10 THE WITNESS: Oh. Okay. Okay.

11 THE COURT: Just what he said.

12 THE WITNESS: Okay. Okay. Well, no, he didn't  
13 mention any names to me about a new Khalifah.

14 BY MS. BROOK:

15 Q And it was at that point that you pushed back; is that  
16 correct?

17 A What do you mean?

18 Q And explained that in your mind there was not a Khalifah?

19 A I know there is not a Khalifah.

20 Q Did he mention a group?

21 A No. He didn't -- he didn't mention any particular group  
22 with me.

23 Q You mentioned that this happened a few times and that  
24 eventually you called your son?

25 A Uh-huh.

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1 Q How did you feel? Why was it you called your son?

2 A Because I knew --

3 MR. MAYNARD: Objection, Judge. It's been asked and  
4 answered about three times.

5 THE COURT: Sustained.

6 MS. BROOK: Your Honor, I don't think I've asked how  
7 he felt about why he called his son.

8 THE COURT: I sustained the objection.

9 MS. BROOK: I have no further questions.

10 THE COURT: May this witness be excused?

11 MS. BROOK: Yes.

12 MR. MAYNARD: Yes.

13 THE COURT: Thank you very much, Mr. Mubarak. You  
14 may step down and you are excused as a witness.

15 THE WITNESS: Thank you.

16 (End of excerpt of this proceedings.)

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## C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 3rd day of March, 2016.

s/Elizabeth A. Lemke  
ELIZABETH A. LEMKE, RDR, CRR, CPE